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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,250	11/16/2000	Juniichi Yoshizawa	04329.2458	2848
22852	7590	01/02/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			CRAVER, CHARLES R	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 01/02/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,250

Applicant(s)

Yoshizawa

Examiner

Charles Craver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 9, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 2, 4, 5, 7, 8, 10, 11, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Mauney, US Pat 6,484,027.

Claim 1: Mauney discloses a communication system (FIGS 2 and 3) having a first device 42A and a second device 42B for communicating with the first device via a wireless link (col 12 lines 1-18 and 43-67), the first device including

means for searching the second device by creating a page message (col 22 line 50-col 23 line 18) which can be broadcast according to an inherently set range (col 5 lines 45-53, col 23 lines 19-32), and means for causing the first device to transmit the message according to said range (col 14 lines 31-51), the second device including

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means for receiving the page message and means for responding to the message so as to set the wireless link (col 23 lines 19-39). The page message is read by the examiner as searching the other device since a communications channel would not have been set up yet.

Claim 2: the range set by Mauney is a range within which the first device can communicate (col 5 lines 45-53, col 23 lines 19-32), and is read as a distance from the first device.

Claim 4: claim 4 discloses the inherent method provided by the system of claim 1, and as such is rejected for the same reasoning set forth above.

Claim 5: the range set by Mauney is a range within which the first device can communicate (col 5 lines 45-53, col 23 lines 19-32), and is read as a distance from the first device.

Claim 7: Mauney discloses a communication system (FIGS 2 and 3) having a first device 42A and a second device 42B for communicating with the first device via a wireless link (col 12 lines 1-18 and 43-67), the first device including

means for searching the second device by creating a find message (col 32 lines 36-60) which can be broadcast according to an inherently set range (col 5 lines 45-53, col 23 lines 19-32), and means for causing the first device to transmit the message according to said range (col 14 lines 31-51).

Claim 8: the range set by Mauney is a range within which the first device can communicate (col 5 lines 45-53, col 23 lines 19-32), and is read as a distance from the first

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device. Further, the transmission means would inherently transmit according to a power value corresponding to said range, or distance.

Claim 10: Mauney further discloses that the communicating means may further set a time for which transmission of the find message will continue, and terminates transmission of the message after said time (col 32 lines 61-66).

Claim 11: Mauney further discloses means for sequentially displaying information acquired by the receipt of a response message at the first device every time such is received; Mauney further discloses that the find process may be terminated, inherently by an instruction, based on (in accordance with) the information which is also directed to the display (col 33 lines 7-32).

Claim 27: claim 27 discloses the inherent method performed by the system of claim 21, and as such is rejected for the same reasoning set forth in claim 21 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauney et al as applied to claim 1 above, and further in view of Werling et al, US Pat 6,456,856.

Claim 3: while disclosing applicant's invention of claim 1 as shown above, Mauney fails to disclose that the directivity of the message may also be set.

Werling discloses an analogous art, that is, a mobile station for communicating via radio, wherein the phone may output a signal based on a determined direction pattern for the signal to take (col 2 line 54-col 3 line 18, col 4 lines 36-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mauney in such a way. The motivation to do so comes from Werling, where it is stated that changing the directional pattern of the handset "limits the emission of noxious radiation for the benefit of the user's health", see col 2 lines 17-24.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauney et al as applied to claim 4 above, and further in view of Werling et al.

Please see the rejection of claim 4 above.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauney et al as applied to claim 7 above, and further in view of Werling et al.

Claim 9: while disclosing applicant's invention of claim 7 as shown above, Mauney fails to disclose that the directivity of the message may also be set and changed.

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Werling discloses an analogous art, that is, a mobile station for communicating via radio, wherein the phone may output a signal based on a determined direction pattern for the signal to take (col 2 line 54-col 3 line 18, col 4 lines 36-61). Werling further discloses that the directional pattern data may be changed and said changing means is controlled in accordance with the direction setting means (col 4 lines 4-24 and lines 37-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mauney in such a way. The motivation to do so comes from Werling, where it is stated that changing the directional pattern of the handset "limits the emission of noxious radiation for the benefit of the user's health", see col 2 lines 17-24.

7. Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauney et al in view of Werling et al.

Claims 12 and 17: Mauney discloses a communication system (FIGS 2 and 3) having a first device 42A and a second device 42B for communicating with the first device via a wireless link (col 12 lines 1-18 and 43-67), the first device including

means for searching the second device by creating a page message (col 22 line 50-col 23 line 18),

a main body (42) which allows the message to be broadcast according to an inherently set range via an inherent power control message (col 5 lines 45-53, col 23 lines 19-32),

a controller connected to the main body (FIG 4A),

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a transmission means (63) inherently comprising an amplifier connected to the controller which amplifies the message based on the power and sends it to the antenna,

and means for causing the first device to transmit the message according to said range (col 14 lines 31-51). The page message is read by the examiner as searching the other device since a communications channel would not have been set up yet.

Mauney fails to disclose that the controller may determine second control information for controlling an antenna directivity via an antenna control section.

Werling discloses an analogous art, that is, a mobile station for communicating via radio, wherein the phone may output a signal based on a determined direction pattern for the signal to take (col 2 line 54-col 3 line 18, col 4 lines 36-61). Werling further discloses that the directional pattern data may be changed and said changing means is controlled in accordance with the direction setting means (col 4 lines 4-24 and lines 37-61). Werling further discloses that the pattern is determined by antenna control means which control the directional pattern based on power control information from a controller (col 2 lines 54-67, col 3 line 57-col 4 line 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mauney in such a way. The motivation to do so comes from Werling, where it is stated that changing the directional pattern of the handset "limits the emission of noxious radiation for the benefit of the user's health", see col 2 lines 17-24.

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Claims 13 and 18: the range set by Mauney is a range within which the first device can communicate (col 5 lines 45-53, col 23 lines 19-32), and is read as a distance from the first device.

Claims 14 and 19: the pattern of Werling includes a range and directivity (col 3 lines 1-14).

Claims 15 and 20: while Mauney in view of Werling fails to disclose storing the previous range data in a table, such was notoriously well known at the time of the invention, and as such the examiner takes Official Notice of such a feature. It would have been obvious in view of Mauney in view of Werling to store antenna pattern data used previously, as it would allow the device to compare useful patterns and detail any radiation patterns which might have been dangerous to the user.

Claim 16: claim 16 states the inherent method provided by the means taught by claim 12 above, and as such is rejected on the same reasoning set forth above.

8. Claims 21, 22, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauney.

Claims 21 and 24: Mauney discloses a communication system (FIGS 2 and 3) having a first device 42A and a second device 42B for communicating with the first device via a wireless link (col 12 lines 1-18 and 43-67), the first device including

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means for searching the second device by creating a page message (col 22 line 50-col 23 line 18) which can be broadcast according to an inherently set range (col 5 lines 45-53, col 23 lines 19-32), and means for causing the first device to transmit the message according to said range (col 14 lines 31-51), wherein the page message range may include other devices,

means for searching the second device with a second memorize message broadcast to a smaller range in which the second device is positioned, but not the other devices (col 52 lines 22-55, col 53 lines 20-45) and means for selecting which message to send (selecting the communicate or memorize modes), the second device including

means for receiving the messages and means for responding to the message so as to set the wireless link (col 23 lines 19-39, col 53 lines 46-67). The page message is read by the examiner as searching the other device since a communications channel would not have been set up yet.

Mauney fails to disclose that the two messages are the same, however, such a modification would have been an obvious engineering decision at the time of the invention; such would allow the same message format for FIND and MEMORIZE messages and reduce signaling complexity.

Claims 22 and 25: the range set by Mauney is a range within which the first device can communicate (col 5 lines 45-53, col 23 lines 19-32), and is read as a distance from the first device.

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9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauney et al as applied to claim 21 above, and further in view of Werling et al

please see the rejection of claim 3 above.

10. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauney et al as applied to claim 24 above, and further in view of Werling et al

please see the rejection of claim 3 above.

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauney et al as applied to claim 27 above, and further in view of Werling et al

please see the rejection of claim 3 above.

Response to Arguments

12. Applicant's arguments filed have been fully considered but they are not persuasive.

Regarding claim 1, and subsequent statements towards claim 12, the examiner asserts that Mauney anticipates the instant invention. This is because the examiner continues the assertion that the setting of a range for sending the message would be inherent since Mauney discloses that the message is communicated "within a predetermined operating range of the handset." Note that the instant claim does not specifically state that the range is variably set; thus Mauney anticipates the broadest reasonable interpretation of the instant claim 1.

Regarding claim 21, and subsequent statements regarding dependent claims, note the new grounds of rejection above.

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Conclusion

13. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington VA, sixth floor (receptionist).


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Craver whose telephone number is (703) 305-3965.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached on (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

cc

C. Craver
December 29, 2003


CHARLES CRAVER
PATENT EXAMINER